

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARTIN SATERSTAD and
RICHARD SATERSTAD,

Case No. 2:16-CV-1702 JCM (GWF)

ORDER

Plaintiff(s),

V.

STATE OF NEVADA, et al.,

Defendant(s).

Presently before the court is Magistrate Judge Foley's report and recommendation. (ECF No. 4). No objections have been filed, and the deadline for filing objections has since passed.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made).

Magistrate Judge Foley recommended that plaintiff's claims against the state of Nevada and the prosecutors at the district attorney's office be dismissed with prejudice for failure to state a claim upon which relief can be granted. Plaintiff has not objected to the report and recommendation. Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, the court finds that good cause appears to adopt the magistrate judge's findings.¹

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge Foley's report and recommendation (ECF No. 4) be, and the same hereby is, ADOPTED in its entirety.

IT IS FURTHER ORDERED that plaintiff's claims against the state of Nevada and the prosecutors at the district attorney's office be DISMISSED WITH PREJUDICE.

DATED January 23, 2018.

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE

¹ Magistrate Judge Foley's order also addressed plaintiff's motion to proceed *in forma pauperis*. Thereafter, plaintiff filed an amended motion to proceed *in forma pauperis* (ECF Nos. 6, 7), and Magistrate Judge Foley granted the amended motion (ECF No. 8). Accordingly, the court need not address those issues in this order.